

## Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 OIC-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

ACDA-19 SY-10 SCA-01 CPR-02 USSS-00 DRC-01 /201 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC 714

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C O R R E C T E D C O P Y (F O R T E X T P A R A 4 L I N E 3)

E.O. 11652: NA

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DURING AFTERNOON MEETING OF LEGAL COMMITTEE NOV 1, DELOFF WAS INFORMED THAT WORKING GROUP SELECTED BY CHARMAN GONZALEZ GALVEZ (MEXICO), WHICH CONSISTED OF REPS FROM AUSTRIA, GHANA, INDIA, POLAND, AND URUGUAY, AND WHICH HAD PREVIOUSLY PREPARED DRAFT PREAMBLE (TRANSMITTED USUN 4221), HAD NOW FINISHED PREPARATION OF DRAFT FINAL ARTICLES. THESE FINAL ARTICLES ARE CONTAINED IN UN DOC A/C.6/940, DATED NOV 1 (WHICH WILL PRESUMABLY BE CIRCULATED NOV 2). THEY ARE TRANSMITTED PARA 6 BELOW.

2. DRAFT FINAL ARTICLES ADOPT "ALL STATES" FORMULA, WITH SYG AS DEPOSITORY. WE INFORMED THAT THEY ADOPTED BY VOTE OF 4-1(AUSTRIA) IN WORKING GROUP. AUSTRIA ATTEMPTED TO MODEL FINAL ARTICLES ON SPECIAL MISSIONS CONVENTION. POLAND APPARENTLY HAD CONVINCED OTHERS THAT FINAL ARTICLES SHOULD BE MODELLED ON THOSE CONTAINED IN APARTHEID CONVENTION (SEE UN DOC A/9095). ARGUMENT MADE THAT APARTHEID CONVENTION  
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RECENTLY ADOPTED BY OVERWHELMING VOTE OF 93-1(PORTUGAL)-24(US, UK). COMMENT: ONLY US, UK AND PORTUGAL VOTED AGAINST "ALL STATES" ARTICLES IN APARTHEID CONVENTION. END COMMENT. URUGUAY REP WAS APPROACHED AFTER MEETING

AND ASKED BY DELOFF WHY HE AGREED TO THIS AND HE SAID HE THOUGHT IT RECENTLY ADOPTED IN GA AND NOT CONTROVERSIAL IN 3RD COMITE DEBATES.

3. UN LEGAL COUNSEL STAVROPOULOS CALLED DELOFF DURING LEGAL COMMITTEE MEETING TO SAY HE HAD JUST LEARNED THAT WORKING GROUP HAD ADOPTED "ALL STATES" FORMULA. STAV VERY UNHAPPY ABOUT THIS RESULT AND SAID IT PUT SECRETARIAT IN DIFFICULT POSITION. HE SAID THAT THERE SHOULD BE FORMAL REQUEST, DURING LEGAL COMMITTEE MEETING WHEN THIS COMES UP NEXT WEEK, FOR SECRETARIAT INTERPRETATION OF MEANING OF THE FORMULA. STAV SAID HE WOULD SAY, AS HE HAD MANY TIMES PREVIOUSLY IN RESPONSE TO SUCH REQUESTS, THAT FORMULA IMPOSSIBLE FROM POINT OF VIEW OF SECRETARIAT. HE SAID, HOWEVER, THAT IF FORCED TO LIVE WITH "ALL STATES" FORMULA, HE WOULD APPLY IT BY USING LIST OF PARTICIPANTS ADOPTED IN FIRST COMMITTEE OF LOS CONFERENCE. HE FEARED, HOWEVER, THAT THERE WOULD BE CHALLENGE INSISTING ON PARTICIPATION OF VIETCONG. DELOFF NOTED THAT THIS ISSUE HAD NOT BEEN PRESSED TO VOTE IN FIRST COMMITTEE. STAV SUGGESTED CONSIDERING PRO PROPOSING AMENDMENT, IF THIS BEST POSSIBLE TO OBTAIN, INSERTING INVITATION CLAUSE AGREED TO IN LOS CONTEXT INTO FINAL ARTICLES OF PROTECTION OF DIPLOMATS CONVENTION. STAV INSISTED THAT THERE NO REASON FOR 6TH COMITE TO ADOPT APPROACH EMPLOYED BY 3RD COMITE. DELOFF SAID WE WOULD BE CONSIDERING THESE ISSUES CAREFULLY AND SEEKING INSTRUCTIONS.

4. DELOFF DISCUSSED ISSUES WITH UK DEL, WHICH ALSO VERY UNHAPPY ABOUT THESE DEVELOPMENTS. WE AGREED THAT THERE NO CHANCE OF GETTING COMITE TO ADOPT STRAIGHT VIENNA FORMULA. WE ALSO AGREED THAT AMENDING PROVISION TO FOLLOW LOS FORMULA HAD SOME CHANCE OF SUCCESS, BUT UK DEL INITIALLY NOT TOO TAKEN WITH THIS IDEA BECAUSE WHILE CONFERENCE IS HELD AT ONE SPECIFIC POINT IN ITEM AND IF POSSIBLE TO LIST SPECIFIC STATES, A TREATY REMAINS IN FORCE OVER A LONG PERIOD OF TIME AND WHATEVER LIST ADOPTED LIKELY TO BECOME OUT-DATED. LIMITED OFFICIAL USE  
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WE FURTHER AGREED THAT THERE SOME CHANCE, BUT NOT A GOOD CHANCE, OF INSTEAD AMENDING THE CLAUSE TO PROVIDE FOR MULTIPLE DEPOSITORIES. UK DEL SAID THEY WOULD THINK ABOUT MATTER, AND LEFT CONTINUING TO EXPRESS GRAVE MISGIVINGS ABOUT GIVING SYG NO GUIDANCE AS TO HIS FUNCTIONS BY ADOPTING AN "ALL STATES" FORMULATION.

5. COMMENT: GIVEN LOW LIKELIHOOD OF OUR BEING ABLE TO CHANGE THESE ARTICLES, AND GIVEN FACT THAT STAV WOULD INTERPRET THEM TO COVER THOSE COVERED BY LOS INVITATION FORMULA, WE MAY HAVE TO LIVE WITH RESULT. END COMMENT.

6. FOLLOWING IS TEXT OF FINAL ARTICLES DEVELOPED BY  
WORKING GROUP BEGIN TEXT

DRAFT SET OF FINAL ARTICLES PREPARED BY THE WORKING GROUP APPOINTED  
BY THE CHAIRMAN OF THE SIXTH COMMITTEE AT THE 1421ST MEETING 1)

ARTICLE A

SIGNATURE

THE PRESENT CONVENTION SHALL BE OPEN FOR SIGNATURE BY ALL  
STATES, UNTIL....(DATE) AT UNITED NATIONS  
HEADQUARTERS IN NEW YORK.

ARTICLE B

RATIFICATION

THE PRESENT CONVENTION IS SUBJECT TO RATIFICATION. THE  
INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH THE  
SECRETARY-GENERAL OF THE UNITED NATIONS.

ARTICLE C

ACCESSION

THE PRESENT CONVENTION SHALL REMAIN OPEN FOR ACCESSION  
BY ANY STATE. THE INSTRUMENTS OF ACCESSION SHALL BE DEPOSITED  
WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS.

ARTICLE D

ENTRY INTO FORCE

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1. THE PRESENT CONVENTION SHALL ENTER INTO FORCE ON THE  
THIRTIETH DAY FOLLOWING THE DATE OF DEPOSIT OF THE TENTH  
INSTRUMENT OF RATIFICATION OR ACCESSION WITH THE SECRETARY-  
GENERAL OF THE UNITED NATIONS.

2. FOR EACH STATE RATIFYING OR ACCEDED TO THE CONVENTION  
AFTER THE DEPOSIT OF THE TENTH INSTRUMENT OF RATIFICATION  
OR ACCESSION; THE CONVENTION SHALL ENTER INTO FORCE ON THE  
THIRTIETH DAY AFTER DEPOSIT BY SUCH STATE OF ITS INSTRUMENT  
OF RATIFICATION OR ACCESSION.

ARTICLE E

NOTIFICATIONS BY THE DEPOSITORY

THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL INFORM  
ALL STATES:  
(A) OF SIGNATURES TO THE PRESENT CONVENTION AND OF THE DEPOSIT  
OF INSTRUMENTS OF RATIFICATION OR ACCESSION IN ACCORDANCE  
WITH ARTICLES A, B, AND C.  
(B) OF THE DATE ON WHICH THE PRESENT CONVENTION WILL ENTER

INFO FORCE IN ACCORDANCE WITH ARTICLE D.

ARTICLE F  
AUTHENTIC TEXTS

THE ORIGINAL OF THE PRESENT CONVENTION, OF WHICH THE CHINESE,  
ENGLISH, FRENCH, RUSSIAN AND SPANISH TEXTS ARE EQUALLY  
AUTHENTIC, SHALL BE DEPOSITED WITH THE SECRETARY-  
GENERAL OF THE UNITED NATIONS, WHO SHALL SEND CERTIFIED COPIES  
THEREOF TO ALL STATES.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED  
THERETO BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THE  
PRESENT CONVENTION, OPENED FOR SIGNATURE AT NEW YORK....(DATE)

1) THE WORKING GROUP IS COMPOSED OF THE REPRESENTATIVES  
OF AUSTRIA, GHANA, INDIA, POLAND AND URUGUAY.

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